

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

DEC 15 1995

In re)
)
PETITION FOR RULEMAKING OF) RM 94-102
AD HOC ALLIANCE FOR PUBLIC)
ACCESS TO 911 TO AMEND PART 22)
OF THE COMMISSION'S RULES)

COMMENTS

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North Carolina RSA 3 Cellular Telephone Company d/b/a Carolina West ("Carolina West"), pursuant to Section 1.415 of FCC Rules hereby submits comments in the referenced rulemaking proceeding to address cellular users' ability to successfully place 911 emergency calls. In that regard, the following is shown:

I. BACKGROUND

Carolina West is the licensee of cellular radiotelecommunications service stations KNKN 693 and KNKN 881, serving for over four years Markets 567 B1 - NC RSA 3 - Ashe and 566 B1 - NC RSA 2 - Yancey, respectively. Carolina West has operated responsibly in handling 911 calls, and fully concurs with the objective of efficiently routing such calls to the appropriate safety personnel, without regard to the subscribership status of the caller. Carolina West does not block 911 calls from transient or non-system subscribers.

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**II. CAROLINA WEST OPPOSES MANDATED DIRECTION
OF ALL 911 CALLS TO THE STRONGEST SIGNAL**

While it may seem prudent to require cellular phones to scan for and use the strongest control channel for a 911 call, whether A or B block, such a requirement can actually result in directing the call to the wrong Public Safety Answering Point ("PSAP"). Carolina West favors connection of the mobile station to the PSAP closest to the mobile caller, which is not necessarily the same PSAP to which the strongest control channel would send the call. The strongest control channel may send the call to a PSAP farther away, and one which may have no jurisdiction to act in the caller's locale. Furthermore, if the call is routed to the wrong PSAP, that PSAP may be unable to deliver the call to the appropriate PSAP.

For example, in Carolina West's rural, mountainous service area, there are elevated spots where the signal from Hickory, NC and even Charlotte, NC is stronger than Carolina West's signal. If the 911 call is directed to the strongest signal, it will go to the PSAPs there, and proper delivery of services will be jeopardized. The PSAPs in those cities may not know where the caller is, or which is the proper PSAP to respond to the call.

Specifically, within one-half mile of one of Carolina West's mountain cells, surrounding terrain blocks Carolina West's signal, so that originated calls are captured by the system in Johnson City, Tennessee, *thirty miles* away. A significant misdirection of a 911 call results, and safety is impaired, not promoted.

This imperfect condition should not be regulated into permanence by a requirement that the phone unit be manufactured to send a 911 call to the strongest control signal. Presently, all calls go to the strongest cell when the SEND button is pushed. This is so even though the phone unit may not show that the caller is roaming. If the signal of a neighboring carrier is stronger, the call will go to that system. The phone can, however, be placed by the caller on "home only." Then the call will go to the home system and shun the neighboring signal. In home only mode, if no home signal is available, the phone displays "no service."

It is unwise to dictate the routing of 911 calls because the resulting destination may impede delivery of emergency services. Situations are so variable that human intervention by the caller must be preserved. The caller must be permitted, where possible, to use the features of his or her equipment to choose which system's signal is preferred.

A federal mandate can be the wrong solution in a given circumstance. Even a rule that the phone must automatically dial 911 on the home system, if it is available at a certain level, may not send the call to the nearest PSAP. Carolina West therefore opposes phone manufacturing requirements that override the choice of the caller.

Conclusion

No one rule, though well-intentioned, can offer the best prospect for delivery of 911 calls in all events. Present

technology offers no guarantee of safety arising from the ability to place a cellular call. Carolina West itself is active in its responsibility to deliver 911 calls with highest care, and Carolina West respects the interests of others in promoting FCC regulations to advance the odds of delivering calls correctly. But Carolina West opposes the proposal of the Ad Hoc Alliance for Public Access to 911 to *require* delivery of all 911 calls to the strongest control signal because that could be the wrong signal, the farther signal, and a dangerous signal.

Respectfully submitted,

NORTH CAROLINA RSA 3
CELLULAR TELEPHONE COMPANY

By 
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December 15, 1995

CERTIFICATE OF SERVICE

I, Paul Palmer, an employee in the law offices of Lukas, McGowan, Nace & Gutierrez, Chartered, do hereby certify that I have on this 15th day of December, 1995, sent by first class United States mail, copies of the foregoing COMMENTS to the following:

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*By hand-delivery